

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YETI COOLERS, LLC,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC., et al.,

Defendants.

Case No.: 1:17-cv-00342-RP

JURY TRIAL DEMANDED

**DECLARATION OF TAMAR DUVDEVANI IN SUPPORT OF
DEFENDANT HOME DEPOT U.S.A., INC.'S MOTION
TO STAY**

I, Tamar Duvdevani, declare as follows:

1. I am an attorney licensed to practice law in the State of New York, and have applied to admission to this Court *pro hac vice*. I am an Partner in the law firm of DLA Piper LLP (US). I represent defendant Home Depot U.S.A., Inc. ("Home Depot"). I am over 18 years of age, and am competent to testify as to the matters set forth herein. I make the following statement based upon my own personal knowledge, unless expressly stated otherwise.

2. On June 9, 2017, I contacted Pieter van Es, counsel for Plaintiff, and asked if Yeti Coolers, LLC ("Yeti") would agree to stay the claims against Home Depot while the case proceeds against the manufacturers of the products that Yeti has accused of infringement. I indicated that Home Depot would agree to partake in limited relevant discovery, and would agree to be bound by the Court's liability determination. I also sent him a recent Order from the United States Federal Court for the Northern District of Ohio wherein trademark claims were stayed against Home Depot in similar circumstances. A copy of that e-mail and order is attached hereto as **Exhibit A**.

3. On June 13, 2017, and again on June 14, 2017 Mr. van Es indicated that Yeti will not agree to stay the claims against Home Depot. No explanation was given to Home Depot for this refusal. During the June 14, 2017 teleconference, Mr. van Es also indicated that Yeti was considering a motion to consolidate the cases pending against other Home Depot suppliers with this action, Civil Action 17-00467 and Civil Action 17-00533.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 30, 2017

/s/ Tamar Duvdevani
Tamar Duvdevani